The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

TWENTY-SECOND DAY

(Monday, February 21, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Absent-excused: Whitmire.,

A quorum was announced present.

The Reverend Jim Cloninger, Asbury Methodist Church, Austin, offered the invocation as follows:

Almighty God, Creator of all that is good and true, our Redeemer who gave us light. We ask that You be with us this morning. May Your Spirit guide and direct this body as it makes deliberations that affect people and institutions. We have now entered this new season of Lent hoping to respond to Your call to preparation and reconciliation. May You help us to listen and to act with the other person's needs first and our own second. Be with us in all that we do and say. We ask this in the name of Your Son. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 17, 1983, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber February 21, 1983

HONORABLE W. P. HOBBY PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 11, In memory of Leo Riedel.

H.C.R. 20, Extending congratulations to Attorney General Jim Mattox.

H.C.R. 25, Extending congratulations to the Honorable Mark W. White, Jr., Governor of the State of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk House of Representatives

CO-AUTHORS OF SENATE BILL 408

On motion of Senator Williams and by unanimous consent, Senators Blake, Brooks, Brown, Caperton, Glasgow, Henderson, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Vale, Washington and Whitmire will be shown as Co-authors of S.B. 408.

CO-AUTHOR OF SENATE BILL 464

On motion of Senator Uribe and by unanimous consent, Senator Glasgow will be shown as Co-author of S.B. 464.

CO-AUTHORS OF SENATE JOINT RESOLUTION 14

On motion of Senator Williams and by unanimous consent, Senators Blake, Brooks, Brown, Caperton, Glasgow, Henderson, Leedom, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Vale, Washington and Whitmire will be shown as Co-authors of S.J.R. 14.

CO-AUTHOR OF SENATE BILL 495

On motion of Senator Washington and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 495.

CO-AUTHORS OF SENATE JOINT RESOLUTION 6

On motion of Senator Sharp and by unanimous consent, Senators Glasgow, Williams and Caperton will be shown as Co-authors of S.J.R. 6.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 277

S.B. 436

S.B. 432

S.B. 353 (Amended)

S.B. 352

S.B. 351

S.B. 350

S.B. 294 (Amended)

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

S.B. 213

S.C.R. 21

S.C.R. 8

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 474 by Leedom

Intergovernmental Relations

Relating to office space, equipment and supplies for justices of the peace; amending Section 1a, Chapter 622, Acts of the 62nd Legislature, Regular Session, 1971 (Article 3912k, Vernon's Texas Civil Statutes).

S.B. 475 by Leedom

Jurisprudence

Relating to consent for the performance of abortions on certain minors; providing a penalty for violation; amending Chapter 35, Family Code, as amended, by adding Section 35.05.

S.B. 476 by Mauzy, Harris

Health and Human Resources

Relating to the creation of the tertiary care division in the Texas Department of Health and to the provision of tertiary care services.

S.B. 477 by Mauzy

Health and Human Resources

Relating to the regulation of Marriage and Family Counselors; amending Chapter 775, Acts 67th Legislature Regular Session, 1981 (Art. 4512g, V.T.C.S.); and creating penalties.

S.B. 478 by Mauzy

Jurisprudence

Relating to the provision of vocational rehabilitation services and workers' compensation benefits to certain injured employees.

S.B. 479 by Doggett

Intergovernmental Relations

Relating to subdivision controls of counties; providing a penalty.

S.B. 480 by Mauzy

Committee of the Whole Senate

Relating to apportionment of the state into congressional districts.

S.B. 481 by Mauzy

Economic Development

Relating to the members of the State Board of Insurance.

S.B. 482 by Harris

Jurisprudence

Relating to the definition of the term "bet" for purposes of the Penal Code / prohibitions against gambling.

S.B. 483 by Traeger

Health and Human Resources

Relating to the application of the Health Facilities Development Act to nursing homes organized for profit.

S.B. 484 by Traeger

Intergovernmental Relations

Relating to the creation of the office of purchasing agent in certain counties.

S.B. 485 by Traeger

Intergovernmental Relations

Relating to creation of the office of budget officer in certain counties.

S.B. 486 by Sarpalius

Natúral Resources

Relating to the creation, administration, powers, duties, operation, expansion, and financing of the Wheeler County Water Supply District.

S.B. 487 by Sarpalius

State Affairs

Relating to the exemption of certain property from the satisfaction of liabilities.

S.B. 488 by Harris

Economic Development

Relating to the regulation of banking.

S.B. 489 by Parmer

State Affairs

Relating to lifeline utility rates for senior citizens.

S.B. 490 by Harris

Economic Development

Relating to loan production offices.

S.B. 491 by Washington

State Affairs

Relating to prevention of discrimination in employment, public accommodations, education, and real property transactions; providing penalties.

S.B. 492 by Washington

Jurisprudence

Relating to establishment and funding of a program to provide legal services for the indigent.

S.B. 493 by Washington

State Affairs

Relating to the use of a certain name for facilities owned by the Texas Department of Corrections.

S.B. 494 by Washington

Education

Relating to teacher salary deductions for dues for professional organizations.

S.B. 495 by Washington, Brooks

Health and Human Resources

Relating to the regulation of the practice of acupuncture; providing penalties.

S.B. 496 by Washington

Education

Relating to investments in businesses with interests in South Africa by public institutions of higher education.

S.B. 497 by Washington

Education

Relating to certain school district property tax revenues to be used by a junior college district operated by the school district.

S.B. 498 by Santiesteban

State Affairs

Relating to intoxication offenses and providing penalties therefor; amending the Penal Code by adding a new chapter; amending Section 19.05, Penal Code, and Chapter 434, Acts of the 61st Legislature, 1969 (Article 67011-5, Vernon's Texas Civil Statutes); and repealing Section 42.08, Penal Code, and Articles 67011-1 and 67011-2, Vernon's Texas Civil Statutes.

S.B. 499 by Sharp

Intergovernmental Relations

Relating to the election of directors of the Lavaca Hospital District.

S.B. 500 by Harris, Sharp

State Affairs

Relating to the administration, collection, and enforcement of the state inheritance tax.

S.B. 501 by Traeger

Finance

Relating to an appropriation to the Texas Optometry Board to pay the per diem and travel expenses of board members and staff.

S.B. 502 by Traeger, Brown, Washington

Economic Development

Relating to the distribution of motion pictures; providing penalties.

S.B. 503 by Traeger, Sarpalius

Economic Development

Relating to a dealer's return of farm and industrial equipment to a supplier after the termination of certain franchises.

S.B. 504 by Caperton

Intergovernmental Relations

Making certain cities and counties subject to Chapter 677, Acts of the 67th Legislature, Regular Session, 1981 (Article 4477-6b, Vernon's Texas Civil Statutes), relating to care of animals, by repealing Section 8 of the Act.

S.B. 505 by Caperton

State Affairs

Relating to landowner rights and the exercise of the power of eminent domain and to notice requirements and other procedures related to condemnation hearings and negotiations.

S.B. 506 by Blake

Intergovernmental Relations

Relating to the authority of the Corrigan Hospital District Board of Managers concerning hospital system facilities, property, and equipment.

SENATE RESOLUTION 187

Senator Brooks offered the following resolution:

S.R. 187, Commending Dr. Joel Reed and the members of the Harris County Medical Society for their outstanding public service.

The resolution was read and was adopted.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider S.B. 498 at 2:30 o'clock p.m. today.

GUEST PRESENTED

Senator Farabee was recognized and presented Thomas Phillip Anderson of Anchorage, Alaska.

Mr. Anderson was welcomed as a guest for today.

HOUSE CONCURRENT RESOLUTION 41

The President laid before the Senate the following resolution:

H.C.R. 41, Extending congratulations to State Treasurer Ann Richards.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

Senator Mauzy presented Ms. Richards and she was welcomed by the Members of the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas February 16, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION:

For a six year term to expire February 15, 1989:

ROBERT C. LANIER

1907 River Oaks Blvd.

Houston, Texas 77019

(Mr. Lanier is replacing Mr. Sam A. Waldrop of Abilene, Taylor County, Texas, whose term expired.)

TO BE A MEMBER OF THE TEXAS HEALTH FACILITIES COMMISSION:

For a six year term to expire February 1, 1989:

W. G. (COTTON) KIRKLIN

8220 Research Blvd., Apt. 152-E

Austin, Texas 78751

(Mr. Kirklin is replacing Mr. Bolin P. Mahaffey of Corpus Christi, Nueces County, Texas, whose term expired.)

TO BE A PUBLIC MEMBER OF THE TEXAS COSMETOLOGY COMMISSION:

For a term to expire December 31, 1987:

BETTY SUE BIRD

1703 Vista Lane

Austin, Texas

who is replacing Mary L. Longsworth of Dallas, Dallas County, Texas whose appointment was returned to this Governor.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment, to be effective March 1, 1983:

TO BE A MEMBER OF THE TEXAS PUBLIC UTILITY COMMISSION:

For a term to expire September 1, 1983:

ALAN R. ERWIN

12203 Meadow Lake Drive

Houston, Texas 77077

(Mr. Erwin is replacing Mr. George M. Cowden of Dallas, Dallas County, Texas, who resigned.)

Respectfully submitted,

/s/Mark White Governor of Texas

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas February 17, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the 68th Legislature, now convened:

- 1. S.B. 345 by Montford and H.B. 633 by Robnett, relating to an appropriation to Texas Tech University for snowstorm damage to the livestock pavilion.
- 2. S.B. 442 by Harris, relating to a supplemental appropriation to the Texas State Board of Public Accountancy.
- 3. S.B. 121 by Caperton, relating to the creation of a judicial district composed of the counties of Washington, Lee, Bastrop, and Burleson,

and an appropriation for the salary and expenses of the judge of the court.

- 4. S.B. 466 by Jones, relating to an appropriation to the Texas Board of Architectural Examiners to pay the increased cost of purchasing examinations.
- 5. S.B. 467 by Jones, relating to an appropriation to the Texas Department of Mental Health and Mental Retardation to pay utility costs incurred in its facilities.
- 6. **H.B.** 778 by Moreno of Hidalgo, relating to an appropriation to the Texas Agricultural Experiment Station for research concerning the rice borer

Respectfully submitted, /s/Mark White Governor of Texas

COMMITTEE SUBSTITUTE SENATE BILL 27 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 27, Relating to public school textbooks.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend SECTION 10 of S.B. 27 by striking all of Section (a) and substituting in lieu thereof the following:

"(a) The State Board of Education shall adopt rules to provide for [make] a full and complete investigation of all books and accompanying bids and for an opportunity for members of the public to comment in regard to textbook content or in support of or against any textbook presented. In all substantive and procedural matters relating to the textbook adoption process, all persons submitting written and/or oral commentary shall receive equal treatment. The textbooks shall be selected and adopted after a careful examination and consideration of all books presented."

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 27 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 346 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 346, Relating to peace officers commissioned by water control and improvement districts.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 346 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 346 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

SENATE BILL 333 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 333, Relating to the status of certain decisions, regulations, orders, rules, acts, and administrative rulings of the State Board of Insurance on the filing of certain court appeals.

The bill was read second time and was passed to engrossment.

SENATE BILL 333 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 333 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 132 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary

rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 132, Relating to the powers of and the levy of taxes and issuance of bonds by the Palo Duro River Authority.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 132 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

COMMITTEE SUBSTITUTE SENATE BILL 220 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 220, Relating to the inclusion of an area as part of a municipality if the municipality has treated the area as being within its boundaries.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 220 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 220 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

SENATE BILL 343 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 343, Relating to the period of limitation applicable to a prosecution for certain offenses involving sexual conduct.

The bill was read second time and was passed to engrossment.

SENATE BILL 343 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 343 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed.

SENATE BILL 331 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 331, Relating to exemption of certain persons, banks, savings and loan associations, and credit unions from laws regulating the financing of insurance premiums.

The bill was read second time and was passed to engrossment.

SENATE BILL 331 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 331 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Whitmire.

SENATE BILL 323 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 323, Relating to consent as a defense to assaultive conduct.

The bill was read second time and was passed to engrossment.

SENATE BILL 323 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 323** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed.

SENATE BILL 38 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 38, Relating to the meaning of "qualified voter" for the purpose of responding to a challenge of a voter at a polling place.

The bill was read second time and was passed to engrossment.

SENATE BILL 38 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Whitmire.

The bill was read third time and was passed.

MEMORIAL RESOLUTIONS

- S.R. 189 By Mauzy: Memorial resolution for Robert Norman Vaughn.
- S.R. 191 By Sims: Memorial resolution for John Dunn, Jr.
- S.R. 192 By Sims: Memorial resolution for H. W. Batsell.

WELCOME AND CONGRATULATORY RESOLUTIONS

- H.C.R. 39 (Parker): Extending congratulations to the West Brook High School football team.
- H.C.R. 77 (Truan): Extending congratulations to Julio Riojas on the occasion of his 112th birthday.
- S.R. 188 By Kothmann: Extending congratulations to the Judson High School football team.
- S.R. 190 By Caperton: Extending welcome to Dr. Ronald W. Huddleston, Capitol Physician for the Day.
 - S.R. 193 By Farabee: Extending welcome to Thomas Phillip Anderson.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:03 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

In Memory

of

E. Harold Beck

Senator Howard offered the following resolution:

(House Concurrent Resolution 33)

WHEREAS, The Honorable E. Harold Beck, an outstanding former district judge and member of both houses of the Texas Legislature, died on January 11, 1983, at the age of 82, and the citizens of his community of Texarkana and of the state have lost a dedicated public servant and a valued friend; and

WHEREAS, This notable individual, who was born on April 3, 1900, at De Queen, Arkansas, also held the offices of city judge of Texarkana and county judge of Bowie County; and

WHEREAS, In 1933, Judge Beck began his long and distinguished tenure in the Texas Legislature when he was elected to the House of Representatives of the 43rd Legislature; and

WHEREAS, He was returned to the House in 1935; however, during the 44th Legislature, he resigned his House seat to fill an unexpired term in the Texas Senate; and

WHEREAS, He was reelected to the Senate and served through the 48th Legislature; he held the office of president pro tempore during the 1st Called Session of the 47th Legislature in 1941; and

WHEREAS, In addition to holding these offices, this exceptional Texan also served as a member of the State Board of Control, now the State Purchasing and General Services Commission, and he was president of the Four States Fair for two terms; and

WHEREAS, Judge Beck continued to lead an active and successful life after leaving state government; he maintained his law practice until the 1970's, and he was involved in many civic activities benefitting the citizens of Texarkana and Bowie County; and

WHEREAS, His many legislative achievements and exemplary life of public service will be remembered by his many friends in his community and throughout the state; now, therefore, be it

RESOLVED by the House of Representatives of the 68th Legislature, the Senate concurring, That the Texas Legislature pay tribute to the life of the Honorable E. Harold Beck and that when the Texas Legislature adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Howard and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.